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**Peter Felitti, Esq.**  
Assistant Regional Counsel  
USEPA Region 5, C - 29A  
77 West Jackson Blvd.  
Chicago, IL 60604-3590

**Re: Decker Manufacturing Corporation - Albion, Michigan**  
**Albion-Sheridan Township Landfill**

Dear Mr. Felitti:

Enclosed is a draft Consent for Access to Property regarding the properties adjacent to the above-referenced landfill. Decker believes this draft memorializes the consensus we reached yesterday. As we discussed, the access granted by this agreement will not include the right to use borrow material from the properties to construct the cap. We will continue to try to work with Cooper and Corning to reach an agreement on this economic issue.

Thank you again for EPA's assistance in this matter. Please contact me if you have any comments or suggested changes to this document. I am sure we all want to get this finalized as quickly as possible.

**Fink Zausmer**  
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Peter Felitti  
June 26, 1998  
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I look forward to hearing from you.

Very truly yours,

FINK ZAUSMER, P.C.

  
Michael L. Caldwell

cc: Frank Biros, Esq.  
Kathleen Schnieders, Esq.  
Jon Peterson, USEPA  
Phillip Moilanen, Esq.

**DRAFT****CONSENT FOR ACCESS TO PROPERTY****Name:** CDC Associates, Inc.**Site:** Albion-Sheridan Township Landfill**Legal Description of Property:**

CDC Parcel 1, located in Sheridan Township, Section 36, Town 2 South, Range 4 West, Supervisors Plat - the South 1287 Feet of Lot 26, Property Tax Identification Number: 1301936203300;

CDC Parcel 2, located Sheridan Township, commencing at the Southwest Corner of Lot 28 of Supervisors Plat, Thence North 250 Feet along the West Line of Lot 28; Thence East 300 Feet; Thence South to the South Line of Lot 28; Thence Westerly along South Line of Lot 28 to Point of Beginning, Property Tax Identification Number: 1301936204510.

CDC Parcel 3, located in Sheridan Township, commencing at the Southeast Corner of Lot 28, Supervisors Plat; Thence Westerly along the South Line of Said Lot, 389.3 Feet; Thence North 350 Feet; Thence East to a Point 200 Feet West of the East Lot Line; Thence North to a Point being 200 Feet West and 720 Feet North of the Point of Beginning; Thence East 200 Feet; Thence South to the Point of Beginning, Property Tax Identification Number: 1301036204520.

CDC Associates, Inc. ("CDC") consents to officers, employees, and authorized representatives of the United States Environmental Protection Agency ("US EPA") entering and having continued access to the properties owned and/or controlled by CDC that are listed above to perform the following response actions pursuant to the Unilateral Administrative Order Docket No. V-W-96-C-316:

- A. Construction of a landfill cap;
- B. Monitoring of groundwater;
- C. Manage storm water provided the parties constructing the storm water collection system are responsible for obtaining, and complying with, all necessary permits, if any;
- D. The operation and maintenance of the cleanup remedy at the Site, including those constructed elements discussed above;

Subject to the following terms applicable to every person or entity that uses the parcels pursuant to this agreement:

1. Access to the property shall be restricted by placing a fence along the outer edge of all three of the above-listed Parcels with a key or combination for all locks furnished to CDC at the time of installation of the locks;
2. US EPA shall require any private contractor retained to perform the response actions described above to provide CDC with prior written notice of the commencement of any response action that will require access or use of either parcel, including a brief description of the nature of the work;
3. The access granted by this agreement shall be limited to that reasonably necessary to perform the response actions described above;
4. Following the completion of the above listed response actions (other than operation and maintenance), all three Parcels are reasonably returned to their original condition, with the exception of the constructed elements described above;
5. Neither the access granted by this agreement, nor the entry of CDC and US EPA into this agreement, constitutes a waiver of any claim either CDC or US EPA may have against any party, including any claims against each other.

The Undersigned Parties enter into this Consent for Access To Property:

FOR THE U.S. ENVIRONMENTAL  
PROTECTION AGENCY:

Date: \_\_\_\_\_

\_\_\_\_\_  
Region 5  
U.S. Environmental Protection  
Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604

FOR CDC ASSOCIATES, INC.

Date: \_\_\_\_\_

**DRAFT**

Its: \_\_\_\_\_